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Human rights and transnational corporations and other business enterprises

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, submitted pursuant to Human Rights Council resolution 17/4.

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Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Summary

The present report provides an overview of strategic developments in the embedding of the Guiding Principles on Business and Human Rights into global governance frameworks and their dissemination and implementation by stakeholders. It also highlights the development by the Working Group of criteria for evaluating implementation tools and guidance, for ensuring convergence in interpretation and for maintaining the integrity of the Guiding Principles.

Further, the report elaborates on specific projects that the Working Group will undertake in line with its strategy, to support the effective dissemination and implementation of the Guiding Principles. It sets out initial recommendations of the Working Group to States, business enterprises and other stakeholders on the dissemination and implementation of the Guiding Principles.

Contents

		Page
I.	Introduction	3
II.	Background and context	3
III.	Strategic developments	5
	A. Embedding of the Guiding Principles in global governance frameworks	5
	B. Dissemination and implementation of the Guiding Principles	10
IV.	Working Group projects	19
V.	Forum on Business and Human Rights	20
VI.	Recommendations	21

I. Introduction

1. At its seventeenth session, the Human Rights Council unanimously endorsed the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, and established the Working Group on the issue of human rights and transnational corporations and other business enterprises (see A/66/53, chap. III.A, resolution 17/4, paras. 1 and 6).[1]

2. The Working Group is mandated, inter alia, to promote the effective and comprehensive dissemination and implementation of the Guiding Principles, including through identifying good practices and lessons learned on the implementation of the Guiding Principles and to make recommendations on implementation. The Working Group is also mandated to support efforts to promote capacity-building and the use of the Guiding Principles, as well as provide advice and recommendations regarding the development of domestic legislation and policies.

3. In June 2012, the Working Group presented its first report to the Human Rights Council.[2] In the report, the Working Group described initiatives undertaken by stakeholders to take up the Guiding Principles, provided feedback on consultations conducted with stakeholders on priorities for its mandate, outlined its working methods, and set out its strategy for fulfilling its mandate. The strategy comprises three work streams: promoting dissemination, promoting implementation of the Guiding Principles, and embedding the Guiding Principles in global governance structures, with a focus on reinforcing convergence around the Guiding Principles, using them to enhance accountability, and building a more receptive environment for their implementation. At its second session, the Working Group further announced[3] that in order to promote convergence and integrity in the interpretation of the Guiding Principles, it would issue clarifications and guidance on specific aspects of the Guiding Principles, and develop process and quality criteria that should be taken into consideration by all stakeholders in their implementation. During the interactive dialogue with members of the Human Rights Council, delegations from all regional groups took the floor and expressed broad support for the Working Group's strategy.

4. The present report provides an analysis of strategic developments in the field of business and human rights since the submission of the report to the Human Rights Council and further outlines projects that the Working Group will develop in 2013 to put its strategy into practice. This report also sets out initial recommendations of the Working Group to States, business enterprises and other stakeholders on the dissemination and implementation of the Guiding Principles.

II. Background and context

5. The United Nations Guiding Principles on Business and Human Rights are the product of six years of research and extensive consultations led by the former

[1] The Working Group is composed of five independent experts, reflecting cross-regional representation, appointed for a period of three years: Michael Addo, Alexandra Guáqueta, Margaret Jungk, Puvan Selvanathan and Pavel Sulyandziga.

[2] A/HRC/20/29 of 10 April 2012.

[3] See A/HRC/WG.12/2/1.

Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, involving Governments, companies, business associations, civil society, affected individuals and groups, investors and other stakeholders around the world.

6. The Guiding Principles highlight what steps States need to take in order to ensure the respect of business for human rights; provide a blueprint for companies on how to know and show that they respect human rights, and reduce the risk of causing or contributing to human rights-related harm; indicate steps that States and business need to take to ensure effective remedy for those whose rights have been adversely affected; and comprise a set of benchmarks to enable stakeholders to assess and promote the respect of business, and its accountability, for human rights and engage with the issue.

7. As outlined in its report to the Human Rights Council, the mandate of the Working Group inscribes itself in the global financial, economic, environmental and social context, in which governance gaps and deep crises continue to have a negative impact on the human rights of individuals across the world.

8. Business enterprises are part of this global context, and their actions and activities have the potential to contribute positively to global solutions. However, current events illustrate that the actions of business enterprises, in the absence of stronger global governance mechanisms and preventive measures by States, have also actively contributed both to initiating such crises and to perpetuating their negative impacts. Demands for enhanced accountability of States and business enterprises, and for effective remedies for those affected, have increased.

9. This illustrates the need to accelerate the dissemination and implementation by States and business enterprises of the Guiding Principles in all economic sectors, through concrete measures to assess and address potential and actual human rights impacts that they cause or contribute to.

10. As it has previously stated,[4] the Working Group firmly believes that respect for human rights by business must be the foundation of any sustainable solution to global challenges. Solutions to persistent conflicts, including those linked to land and the exploitation of scarce natural resources, will remain elusive in the absence of strong and effective State and business processes to prevent and address adverse human rights impacts of business activities which can directly and indirectly contribute to the persistence of such conflicts.

11. Several countries currently in a period of political transition are receiving or are about to receive large amounts of private investment. Without adequate safeguards and checks in line with international human rights standards, including the Guiding Principles, projects funded by such investments could have significant negative human rights impact on vulnerable population groups, and result in limited developmental benefits to the population as a whole.

12. The Guiding Principles provide the necessary guidance to States and business enterprises on how to address such situations. Various initiatives are being developed by the Working Group and other stakeholders to provide additional guidance on how to implement the Guiding Principles in specific contexts, and the Working Group stands ready to support and guide implementation efforts. However,

[4] See http://www.ohchr.org/Documents/HRBodies/SP/BNUNGuidingPrinciplesBusinessHR.pdf.

many stakeholders are yet to take concrete steps to implement the Guiding Principles. The Working Group urges States and business enterprises to abide by their responsibilities and rise to the challenge.

III. Strategic developments[5]

13. The Working Group is encouraged by the number of initiatives undertaken to embed the Guiding Principles into global governance frameworks since their adoption, and by dissemination and implementation initiatives led by stakeholders, some of which are outlined below.[6]

14. Notwithstanding, significant challenges and gaps exist towards achieving the effective dissemination and implementation of the Guiding Principles. Addressing these issues requires greater, sustained and scaled-up efforts from all stakeholders for long-lasting change to prevent, reduce and address adverse impacts on human rights linked to business activities. States and business enterprises should develop and adopt clear objectives, with concrete and measurable outcomes, and deploy sufficient resources to achieve this goal. The Working Group is addressing these challenges and gaps through its strategy[7] and through specific initiatives.[8]

A. Embedding of the Guiding Principles in global governance frameworks

15. The Working Group has stated in its strategy that embedding the Guiding Principles in key existing global governance frameworks will effectively leverage the power of these frameworks to require, or encourage, business enterprises and States to implement the Guiding Principles. In this regard, the Working Group welcomes the clear trend of convergence of key global governance frameworks with the Guiding Principles, and will be engaging with relevant institutions to further advance this goal as part of one of its specific projects.[9]

1. United Nations

16. The Working Group has engaged with the United Nations Conference on Trade and Development (UNCTAD) on the integration of the Guiding Principles within its programme of work. The Working Group welcomes the 2012 UNCTAD *World*

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[5] Mention of specific initiatives in this report does not imply endorsement by the Working Group. The list of initiatives mentioned does not claim to be exhaustive and is based on research and information received. The Working Group encourages all stakeholders to share information with regard to initiatives to disseminate and implement the Guiding Principles so as to inform its analysis and future reports.

[6] Uptake of the United Nations framework and the United Nations Guiding Principles has already been documented by the Working Group in its first report to the Human Rights Council (A/HRC/20/29), by the Secretary-General in his report to the Human Rights Council (A/HRC/21/21) and by the former Special Representative of the Secretary-General (see http://www.business-humanrights.org/media/documents/applications-of-framework-jun-2011.pdf).

[7] See A/HRC/20/29.

[8] See sect. IV of this report.

[9] Ibid.

Investment Report[10] which presents a comprehensive Investment Policy Framework for Sustainable Development, consisting of a set of core principles for investment policymaking, guidelines for national investment policies, and options for the design and use of international investment agreements. The Framework encourages Governments to set out investor obligations and responsibilities, including adherence to the Guiding Principles, and to consider the issue of non-compliance with the Guiding Principles when determining and applying treaty protection as well as compensation measures, as well as to consider translating the Guiding Principles into national legislation. It further encourages investors to adhere to the Guiding Principles and to carry out corporate due diligence relating to economic, social and environmental risks. The Working Group welcomes the recognition of the relevance of the Guiding Principles to the Framework, and looks forward to advancing, with UNCTAD, the understanding of the interface between investment for sustainable development and the Guiding Principles.

17. The Working Group notes that the United Nations Committee on World Food Security endorsed the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security in Rome on 11 May 2012, incorporating due diligence and other aspects of the corporate responsibility to respect human rights in alignment with the Guiding Principles. The Working Group will engage with the Committee on efforts to implement the Voluntary Guidelines, and on efforts relating to the principles for responsible agricultural investment that respects rights, livelihoods and resources, which are currently under development.

18. The Working Group notes the recognition of the responsibility of business to respect human rights, and the human rights due diligence requirements, in the revised Sustainability Framework of the International Finance Corporation (IFC).[11] The Working Group will further engage with the IFC Office of the Compliance Adviser/Ombudsman on the revision of the operational guidance, so as to encourage alignment with the Guiding Principles, particularly as regards effective access to remedy for victims.

19. United Nations human rights treaty body mechanisms play an essential role in the global human rights framework. The Guiding Principles, in outlining the State duty to protect, build on existing treaty obligations of States, as interpreted by human rights treaty bodies, and elaborate on their implications in a business context. The work of treaty bodies to further clarify the links between core human rights treaties and the issue of business and human rights is therefore of particular interest to the Working Group. In that context, the Working Group notes the ongoing elaboration by the Committee on the Rights of the Child of a general comment on child rights and the business sector,[12] to which it has made a submission calling for alignment of the general comment with the Guiding Principles. The Working Group also takes note of the statement of the Committee on Economic, Social and Cultural Rights on the obligations of States parties to the Covenant regarding the corporate

[10] United Nations publication, Sales No. E.12.II.D.3. Available from http://unctad.org/en/Pages/PressRelease.aspx?OriginalVersionID=78.

[11] See http://www1.ifc.org/wps/wcm/connect/b9dacb004a73e7a8a273fff998895a12/IFC_Sustainability_Framework.pdf?MOD=AJPERES.

[12] See http://www2.ohchr.org/english/bodies/crc/callsubmissionsCRC_BusinessSector.htm.

sector and economic, social and cultural rights,[13] which references the due diligence dimension of the "Protect, Respect and Remedy" Framework; and notes that the Committee may decide to develop a general comment in the future.

20. United Nations special procedures mandate holders have continued to address the human rights-related impacts of business-related activities and some have specifically referred to the Guiding Principles and the Framework in their public statements, as well as communications with Governments and business enterprises.[14]

21. The United Nations — as the foundation of the global governance system — must lead in the dissemination and implementation of the Guiding Principles. The Working Group therefore welcomes the imperative of embedding the Guiding Principles, as appropriate, in United Nations policies, programmes and activities. The report of the Secretary-General[15] to the twenty-first session of the Human Rights Council makes recommendations on how the United Nations system as a whole can contribute to the advancement of the business and human rights agenda, and the dissemination and implementation of the Guiding Principles on Business and Human Rights. This includes increased coordination within the United Nations system on the issue of business and human rights at the strategic level, through embedding of the Guiding Principles in the strategies, activities, engagement and advocacy of United Nations system organizations, including at the field level by United Nations Resident Coordinators.

2. Other intergovernmental initiatives

22. As stated in the Working Group's report to the Human Rights Council, the revised Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development (OECD) have been substantially aligned with the Guiding Principles. The Working Group continues to engage regularly with OECD to ensure complementarity of efforts and an effective exchange of information and lessons learned. The Working Group welcomes the multiple initiatives under way at OECD to issue guidance to its member States on the comprehensive implementation of the OECD Guidelines. The Working Group also welcomes the recommendation[16] of the OECD Council on common approaches for officially supported export credits and environmental and social due diligence issued by the Export Credit Group to its members (adopted by the Council on 28 June 2012). The recommendation highlights the need for members of the Export Credit Group to take the Guiding Principles into account and carry out human rights due diligence in order to identify how project-related human rights impacts are being addressed, prior to approving such credits.[17] The Working Group also notes the efforts of the OECD network of national contact points for the OECD Guidelines for Multinational Enterprises in taking forward

[13] E/C.12/2011/1.

[14] Within the context for example, of the special procedures mandates on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, the right to food, the human right to safe drinking water and sanitation, indigenous peoples, the situation of human rights defenders, and the situation of human rights in Haiti and Cambodia.

[15] A/HRC/21/21.

[16] See http://www.oecd.org/officialdocuments/displaydocumentpdf/?cote=tad/ecg(2012)5&doclanguage=en.

[17] Ibid.

projects to strengthen the role of national contact points in mediation, as well as stakeholder engagement in the extractive industries, with special attention to indigenous peoples, small and medium-sized enterprises and disclosure. The OECD Investment Committee will also launch a Global Forum on Responsible Business Conduct in 2013, to support dialogue between OECD and non-OECD economies, and promote greater convergence both in standards regarding how businesses should understand and address the risks of their operations, and in understanding how Governments should support and promote responsible business practices.[18] The Working Group has agreed with the OECD Investment Committee to formalize collaboration around efforts towards implementation of the Guiding Principles and the OECD Guidelines so as to ensure complementarity. OECD has further advanced in the dissemination and implementation of the *Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-affected and High-risk Areas*, (Paris, 2011) including establishing guidance for new industry subsectors.

23. The Working Group has engaged extensively with the European Union (EU) in connection with its multiple initiatives on business and human rights, so as to encourage alignment with the Guiding Principles. As noted in paragraph 29 of the report of the Working Group to the Human Rights Council at its twentieth session, the Working Group has welcomed the alignment reflected in the EU definition of corporate social responsibility, which references the Guiding Principles and adopts some of its key concepts,[19] as well as the European Commission strategy for the implementation of the Guiding Principles by EU member States and enterprises.

24. The Steering Committee for Human Rights of the Council of Europe has also stressed the central place of the Guiding Principles as an authoritative reference point for its work on corporate social responsibility in the field of human rights, and has decided to undertake a study on the feasibility and added value of standard-setting work by the Council in this field, taking into account existing standards, including the Guiding Principles.[20] The Working Group stands ready to support this process.

25. The Working Group has also engaged with the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights on its baseline thematic study on the current state and practice of business and human rights in ASEAN, towards the establishment of a common regional framework which will reference the United Nations "Protect, Respect and Remedy" Framework and the Guiding Principles. The Working Group encourages all ASEAN member States to participate in the baseline study and looks forward to the final results of the study. In line with its strategy, the Working Group stands ready to support this regional effort, including through the identification of opportunities to support dissemination and capacity-building.

26. The Working Group notes that the General Assembly of the Organization of American States has recently adopted (on 4 June 2012) a resolution[21] on the promotion of corporate social responsibility in the hemisphere in which the General Assembly of the organization urges its member States to promote, among businesses

[18] See http://www.oecd.org/officialdocuments/displaydocumentpdf/?cote=c/min(2012)15&doclanguage=en.

[19] See COM(2011) 681 final.

[20] See http://www.coe.int/t/dghl/standardsetting/cddh/cddh-documents/cddh_2012_r75_e_final.pdf.

[21] AG/RES. 2753 (XLII-O/12).

operating in or from their countries, the use of applicable standards, including the Guiding Principles (para. 8). The Working Group also notes the upcoming review of the complaints mechanism of the Inter-American Development Bank, and encourages the use of the Guiding Principles as a key reference in this process.

27. The Working Group encourages other regional bodies to explore how the Guiding Principles could be embedded in the relevant governance frameworks of their respective institutions.

3. Private and multi-stakeholder initiatives

28. These initiatives can constitute important elements of global governance frameworks. The Working Group therefore engages strategically with initiatives that have the potential to advance the effective dissemination and implementation of the Guiding Principles. Several multi-stakeholder initiatives are aligning their work with the Guiding Principles, including the Fair Labor Association, the Global Network Initiative and the Voluntary Principles on Security and Human Rights. Other private initiatives, including the Thun Group of banks and the International Council on Mining and Metals, are also aligning their work with the Guiding Principles, as are other business and civil society initiatives.[22] There is the potential for many more such initiatives to align themselves with the Guiding Principles, and the Working Group has also called for the independent governance and oversight mechanism that is being developed for the International Code of Conduct for Private Security Service Providers[23] to be fully aligned as well.

29. Reporting and disclosure can play an important role in advancing transparency and accountability. In the area of reporting, the Global Reporting Initiative has become the de facto standard for non-financial/corporate sustainability reporting. Many companies have aligned themselves with the Global Reporting Initiative format. The Initiative is revising its guidelines on reporting, and the new draft guidelines include references to the Guiding Principles, with regard to company disclosure on the management approach to human rights, supply chain disclosure, including with reference to human rights performance of suppliers and other business partners, and grievance mechanisms.[24]

4. Upcoming opportunities

30. Upcoming opportunities to align global frameworks with the Guiding Principles include the review of the World Bank Environmental and Social Safeguard Policies, the revision by the Equator Principles Association of the credit risk management framework, and the consideration by the Committee on World Food Security of the principles on responsible agricultural investment. The Working Group calls on these processes to integrate and reference the Guiding Principles.

5. Missed opportunities

31. While the Working Group welcomes the various initiatives undertaken with regard to convergence of standards and embedding of the Guiding Principles in

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[22] See subsects. on implementation and guidance under sect. III.B of this report.

[23] http://www.icoc-psp.org/Charter_Consultation.html.

[24] See https://www.globalreporting.org/reporting/latest-guidelines/g4-developments/Pages/default.aspx.

global governance frameworks, the Working Group also regrets the missed opportunities. The Working Group expressed concern[25] that the outcome document of the United Nations Conference on Sustainable Development (Rio de Janeiro, 20-22 June 2012), entitled "The future we want", failed to explicitly mention that business should respect human rights in the drive to a green economy and sustainable development. This is critical, given that the role of the business sector has been a central element of discussions about how to achieve sustainable development goals. Socially, environmentally sustainable and inclusive development cannot be achieved unless business respects the human rights of people affected by their activities. This is especially relevant for groups that are particularly vulnerable to negative human rights impacts, including children, indigenous peoples and marginalized population groups. The Working Group calls on Member States to integrate the Guiding Principles in the preparations and negotiations towards the United Nations development agenda beyond 2015.

B. Dissemination and implementation of the Guiding Principles

1. Global dissemination: new audiences, multipliers and catalysts

32. As stated in the Working Group strategy, dissemination of the Guiding Principles is not an end in itself, but rather a necessary means of achieving their comprehensive and effective implementation. The Working Group has engaged extensively with all stakeholder groups to raise awareness of the Guiding Principles.

33. The Working Group has identified regional organizations as key multipliers in dissemination efforts and has engaged, as previously noted, with the European Commission, the European Parliament, the Organization of American States, the Inter-American Commission on Human Rights, the Inter-American Development Bank and the ASEAN Intergovernmental Commission on Human Rights, and will engage with the African Union and the African Commission on Human and Peoples' Rights to explore ways of collaborating in the regional dissemination of the Guiding Principles, supporting regional and national implementation efforts, and sharing experiences and learning from implementation. The Working Group notes that there is as yet little dialogue between regions, and encourages increased cross-regional exchange and dialogue, and coherent messaging to business enterprises between regions, given the transnational nature of business operations and relationships.

34. The International Organisation of Employers has disseminated the Guiding Principles to its members through a guide and fact sheet for employers. While there have been dissemination efforts in specific industry sectors, awareness in most industry sectors remains low. Through various initiatives, the Working Group has therefore aimed at raising awareness of the Guiding Principles among business audiences that have not previously engaged on issues relating to the Guiding Principles.

35. The Working Group is acutely aware that there is an overwhelming lack of awareness of the Guiding Principles among stakeholders globally, particularly businesses, and especially small and medium-sized enterprises. The Working Group

[25] See "Business must respect human rights for truly sustainable development — UN expert group on Rio+20". Available from http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12306&LangID=E.

is aware of the urgent need to build awareness, provide support and increase the capacity of this sector to implement the Guiding Principles, and welcomes the targeted initiatives led by OECD, the European Commission, the International Organisation of Employers and others. However, in order to address this challenge, such efforts must be scaled up and other actors mobilized to address the awareness gap. In this regard, the Working Group will support Governments, business associations and other collectives in the elaboration and implementation of plans of action designed to disseminate and implement the Guiding Principles.

36. Specific dissemination initiatives have taken place across the regions, including during a Pan-African conference on human rights and business,[26] held in Johannesburg, South Africa, on 5 and 6 July 2012, which brought together State, business, civil society and academic stakeholders to discuss experiences, good practices, challenges and opportunities in the African context, in respect of further dissemination and implementation of the Guiding Principles. The conference also examined specific issues, such as natural resources and civil conflicts.

37. Other dissemination initiatives include conferences and workshops to raise awareness of the Guiding Principles, and also address specific issues and contexts. These have included Global Compact local network events, activities of the World Economic Forum Global Agenda Council on Human Rights, and meetings of the Global Business Initiative on Human Rights, as well as public seminars in Australia[27] examining the role of business schools in promoting corporate respect for human rights; an international conference (9 July 2012) organized in Peru[28] to debate the current context in the field of business and human rights, with a particular focus on access to justice and remedy for victims of human rights violations linked to business activities; a summer institute on business and human rights in the Asia-Pacific and ASEAN contexts[29] to raise awareness and capacity to use the Guiding Principles, addressing specific regional challenges and opportunities, existing ASEAN initiatives, and the issue of conflict zones and children's rights and business; and a thematic workshop by business enterprises in Europe[30] addressing operational-level grievance mechanisms. Upcoming events include a conference that will examine the commodities market and the impact of trade on human rights and business (organized by the Government of Switzerland); a conference organized by the National Human Rights Commission of Mongolia which will examine the impact of mining on human rights; a conference on child rights and the business sector (14-17 October 2012);[31] a conference on minimizing the harm of Africa's extractive industries;[32] the Oslo Conference on Corporate Social Responsibility (13 and 14 November 2012), organized by the Government of Norway (Ministry of Foreign Affairs),[33] and a joint conference on extractive

[26] See http://www.africalegalaid.com/news/human-rights-and-business-conference.

[27] See http://www.latrobe.edu.au/news/articles/2012/article/public-seminar-business-and-human-rights; and http://fbe.unimelb.edu.au/__data/assets/pdf_file/0004/555259/Alumni_master_class_flyer_2012.pdf.

[28] See http://www.fidh.org/Peru-International-Seminar-on.

[29] See http://lgdata.s3-website-us-east-1.amazonaws.com/docs/931/436036/SI_2012_Course_Brochure.pdf.

[30] See http://www.csreurope.org/events.php?action=show_event&event_id=642.

[31] See http://www.childsrights.org/html/site_en/index.php?c=for_sem.

[32] See http://www.africadownunderconference.com/aarf/.

[33] See http://tsforum.event123.no/UD/CSR2012/home.cfm?FuseAction=Front&p Webprofilfunkid=68193.

industries and indigenous peoples organized by the Government of Norway and the Barents Euro-Arctic Council,[34] both of which will address implementation of the Guiding Principles.

38. The Working Group acknowledges that there are numerous initiatives aimed at disseminating the Guiding Principles. Despite these initiatives, however, there have been insufficient efforts to disseminate the Guiding Principles across all regions and all stakeholder groups. While recognizing differences in regional and national development contexts, the Working Group calls for increased leadership in all regions with regard to dissemination efforts by States and business enterprises. The Working Group is fully committed to working with Governments and other stakeholders in all regions to support efforts, and provide guidance on the implementation of the Guiding Principles, through its specific projects and initiatives.

2. Implementation

39. The Working Group strategy's ultimate and overarching objective is the effective and comprehensive implementation of the Guiding Principles by States and business enterprises. The Working Group has two specific projects that will support such efforts: one will support Governments in the elaboration of national plans of action to implement the Guiding Principles, and the other will support peer discussion and learning among States and business enterprises on implementation experiences.[35]

40. National implementation initiatives by States include the hosting by the Government of the United Kingdom of Great Britain and Northern Ireland of a multi-stakeholder conference,[36] with Working Group participation, on the implementation of the Guiding Principles and elaboration of a Government-wide strategy on dissemination and implementation, following consultations held with business enterprises and civil society organizations, as well as the work of the All Party Parliamentary Group on Corporate Social Responsibility of the United Kingdom Parliament. The Working Group also participated in workshops (organized by the Government of the United States of America) with business enterprises[37] and civil society organizations[38] on the implementation of the Guiding Principles, focusing on good practices and key challenges in respecting human rights and ensuring accountability in business operations. The Government of the Netherlands has carried out a preliminary assessment of how policies across different ministries[39] are aligned with the Guiding Principles, and is elaborating a plan of action for the Government on national implementation.

41. The European Commission is working with EU member States to develop national plans for the implementation of the Guiding Principles, and will produce a

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[34] See http://www.beac.st/in_English/Barents_Euro-Arctic_Council/Calendar_of_events.iw3?showmodul=157&eventid=f39426a5-aca1-40ec-bb96-1351d5a481a2.

[35] See sect. IV of this report.

[36] See http://www.wiltonpark.org.uk/en/conferences/policy-programmes/human-rights-democracy-and-governance/?view=Conference&id=748645382.

[37] See http://www.state.gov/r/pa/prs/ps/2012/04/188980.htm.

[38] See http://statedeptbhr.eventbrite.com/.

[39] Ministries of Foreign Affairs; Economic Affairs, Agriculture and Innovation; and Safety and Justice.

report on implementation of the Guiding Principles within EU. In this regard, the Government of Denmark hosted a European Union conference[40] on the implementation of the Guiding Principles, focusing on the possible content of State plans for the implementation of the Guiding Principles, and on the proposed report of the European Commission.

42. Other initiatives include the action by the Working Group on Business and Human Rights of the International Coordinating Committee of National Human Rights Institutions in the implementation of its plan of action on business and human rights. Some national human rights institutions are involved in ensuring access to remedies for alleged human rights abuses linked to business operations, including in Sierra Leone.[41] Other national human rights institutions are disseminating and promoting the Guiding Principles at national and regional levels, including in the South-East Asia region.[42] National human rights institutions in Europe are engaging with the European Commission and member States of EU on developing national implementation plans on the Guiding Principles.[43] The Working Group particularly welcomes the joint work undertaken by European and African national human rights institutions and encourages other stakeholders to undertake such cross-regional exchanges and joint work.

43. Several business-led initiatives are being carried out entailing research on implementation, including an initiative of the Global Business Initiative on Human Rights and the Institute for Human Rights and Business, with which the Working Group will engage, to leverage the concrete experiences of companies in integrating the Guiding Principles into business relationships so as to prevent or mitigate adverse human rights impacts. There will be a specific focus on joint ventures, mergers and acquisitions, franchising and licensing, suppliers and service providers, customers and host Government agreements.

44. Civil society and academic stakeholders are also playing an active role in promoting and encouraging implementation efforts by States and business enterprises. For example, the International Corporate Accountability Roundtable is promoting corporate accountability, access to remedy and due diligence, and is holding regional consultations to survey current gaps and make recommendations to Governments and other stakeholders on how to address them.[44]

45. The Singapore Management University is conducting a study on implementation of the Guiding Principles in Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam, with a focus on land rights and the extractives industry. The Human Rights Resource Centre is mapping the current landscape within the ASEAN context, with regard to the State duty to protect under the Guiding Principles. It will make recommendations on implementation, with a focus on regulatory and policy regimes relating to labour, environment and land, and existing corporate governance measures and their relevance to business and human rights, as well as State actions relating to the State-business nexus, businesses in

[40] See http://eu2012.dk/en/Meetings/Conferences/Maj/Foerste-til-femtende/Business-and-Human-rights.

[41] See http://nhri.ohchr.org/EN/Themes/BusinessHR/Pages/References-and-Links.aspx.

[42] Ibid.

[43] See http://business-humanrights.org/media/eu-nhris-paper-on-national-implementation-plans-for-ungps-210612-short.pdf.

[44] See http://accountabilityroundtable.org.

conflict-affected areas, and ensuring policy coherence. A multi-stakeholder process led by the Institute for Human Rights and Business and the Danish Institute for Human Rights is also making recommendations on the implementation of the Guiding Principles in the context of business activities and investment flows into Myanmar.

46. The National University of Ireland, Galway, has produced a report on business and human rights in Ireland: context, international standards and recommendations, which includes recommendations to States and business enterprises on implementation of the Guiding Principles,[45] and a joint academic effort is under way to produce a similar report for Italy.

47. While the Working Group welcomes these initiatives, it notes that the greater majority of Governments have not taken any initial steps towards implementation. These Governments may wish to consider the inventory of demonstrated efforts by States that have been early adopters of the business and human rights agenda, which have included raising awareness and building capacity of Government officials; mapping relevant Government functions and those entities responsible for implementing the State duty to protect; establishing a cross-Government policy on business and human rights; convening a cross-governmental working group to establish agreement on respective responsibilities; and convening stakeholder consultations with business enterprises and civil society organizations to discuss implementation at the national level and achieve agreement on further steps. The Working Group project on national action plans will support such initiatives, and will include considering specific concerns of, and opportunities for, emerging economies in respect of implementation.

48. The issue of access to effective remedy for individuals and communities whose human rights are adversely affected by business activities is key to the effective implementation of the Guiding Principles. This requires increased attention by States and business enterprises in their initiatives designed to implement the Guiding Principles. There is a paucity of examples, from all regions of the world, of effective judicial and non-judicial grievance mechanisms. More efforts are required from States and business enterprises to work with other stakeholders on addressing this gap, and the Working Group stands ready to support these efforts, including through its upcoming dedicated projects.[46]

3. Groups at heightened risk of vulnerability and discrimination

49. The Working Group mandate and strategy highlights the need to address, and ensure appropriate attention is paid to, the situation of rights-holders who may be at heightened risk of vulnerability, discrimination or marginalization.

50. The Working Group has received allegations of violations of human rights linked to business activities from stakeholders, including civil society organizations, human rights defenders and representatives of communities affected by business activities, which focus on various groups that are at heightened risk of vulnerability to such violations. Such groups include children; older persons; indigenous women and men; workers with precarious employment conditions, including migrant

[45] See http://www.nuigalway.ie/human_rights/documents/report_business_and_human_rights_in_ireland.pdf.

[46] See sect. IV of this report.

workers; journalists, human rights defenders, community activists and leaders who protest against or raise allegations concerning the impact of business activities; and marginalized rural and urban communities, as well as minorities that are subject to discrimination and marginalization. As previously stated, the Working Group has welcomed and relied on such information to identify gaps in the protection of human rights of specific groups in the context of business activities. Further, such input has informed the recommendations formulated in this report. The Working Group will explore the need to ensure better protection for groups at heightened risk, including through specific projects, as well as through engagement with partner organizations.

51. The Working Group has engaged with the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteur on the rights of indigenous peoples, as well as indigenous peoples organizations, on how to collaborate effectively on the issue of the rights of indigenous peoples in the context of business activities, and it is elaborating a project in this regard.

52. The Working Group is exploring with the United Nations Children's Fund (UNICEF) how to integrate the perspective on the specific situation and vulnerabilities of children in its work, and how to provide support and engage in collaboration with regard to the Children's Rights and Business Principles[47] launched by UNICEF, the Global Compact and Save the Children.

53. The Working Group has engaged with the Working Group on Discrimination against Women in Law and in Practice, to explore how the two Working Groups, in the context of their respective mandates, can collaborate on elaborating recommendations on the integration of a gender perspective in the implementation of the Guiding Principles, and recommendations to States and business enterprises on how to eliminate discrimination against women in the context of business activities.

4. Systematic capturing of good practices, challenges and lessons learned

54. Keeping track of the multiplicity of initiatives by all stakeholders to disseminate and implement the Guiding Principles in the different regions is a significant challenge for the Working Group. The Working Group therefore welcomes the call of the Secretary-General to establish a global database for keeping track of the implementation of the Guiding Principles by States and enterprises and their application by other stakeholders. This would be particularly helpful for States and business enterprises seeking to identify and adopt good practices in dissemination and implementation of the Guiding Principles. Such a database would also allow the identification of trends and gaps in implementation across different geographical areas and industry sectors.

5. Guidance and tools

55. The Working Group's strategy recognizes, and stakeholders have highlighted, the importance of context and sector-specific guidance for the implementation of the Guiding Principles. The Working Group strongly welcomes and encourages the multiple efforts under way to provide such guidance, and reiterates its call for these

[47] See http://www.unicef.org/csr/12.htm.

efforts to be multi-stakeholder in nature, and to respect the integrity and content of the Guiding Principles and international human rights standards.

56. The European Commission's project[48] to develop guidance based on the Guiding Principles for the oil and gas, information and communications technology, and employment and recruitment sectors, as well as for small and medium-sized enterprises, has included multi-stakeholder discussions and online consultations on draft documents. The guidance is due by the end of 2012. The OECD Investment Committee is also developing guidance for enterprises relating to the financial, extractive, information and communications technology, and agriculture sectors.[49]

57. UNICEF has launched a pilot workbook[50] designed to provide guidance to companies on how to meet their corporate responsibility to respect the human rights of children in the workplace, marketplace and community, in line with the Guiding Principles and the Children's Rights and Business Principles.

58. Several business-led initiatives are also elaborating guidance on implementation, such as that produced by the International Council on Mining and Metals on how human rights due diligence can be integrated into corporate risk management processes, within the mining and metals industry.[51] The oil and gas sector has also launched projects to produce guidance on how to incorporate human rights into impact assessment and due diligence processes in the oil and gas industry, as well as sector guidance on grievance mechanisms, based on pilot studies.[52] Local networks of the Global Compact have continued their engagement on the issue of business and human rights, including by producing guidance for members on implementation of the Guiding Principles.[53] The Working Group notes the need expressed by stakeholders for further guidance and research on the effectiveness of human rights due diligence tools and models and will engage with these and other efforts in order to identify effectiveness-related factors.

59. The International Trade Union Federation has produced guidance[54] for trade unionists on the Guiding Principles, and how they can be used by workers and trade unions in dialogue and engagement with Governments and business in respect of addressing impacts of business on human rights.

60. The Working Group has engaged with SOMO, the Center for Human Rights and Environment (CEDHA) and Cividep on a draft guide[55] relating to the Guiding Principles and to how civil society organizations in Latin America, Europe and Asia can use the Guiding Principles for advocacy purposes, to ensure increased corporate accountability for human rights impact, and to facilitate engagement between civil society and business enterprises on human rights, on the basis of the Guiding Principles. An updated guide for non-governmental organizations and victims on recourse mechanisms for human rights abuses has also been produced by the

[48] See http://www.ihrb.org/project/eu-sector-guidance/index.html.

[49] See http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=C/MIN(2012)15.

[50] See http://www.unicef.org/csr/335.htm.

[51] See http://www.icmm.com/page/75929/integrating-human-rights-due-diligence-into-corporate-risk-management-processes.

[52] See http://www.ipieca.org/news/20120705/human-rights-impact-assessments-due-diligence; and http://www.ipieca.org/news/20120705/grievance-mechanisms-pilot-project.

[53] A guide prepared by the Global Compact local network of Argentina is forthcoming.

[54] See http://www.ituc-csi.org/business-and-human-rights.html?lang=en.

[55] See http://somo.nl/projects/business-respect-for-human-rights.

International Federation for Human Rights.[56] The Africa Centre for Corporate Responsibility[57] is, similarly, producing a report on the state of human rights and business in Nigeria through extensive consultations with all stakeholders, and research on State and business policy and practice and grievance mechanisms, and will produce a training manual for all stakeholders at the national level on implementing the Guiding Principles.

6. Development of criteria for evaluating implementation tools and guidance

61. The Working Group welcomes the rapid growth in the number of initiatives to develop guidance on the Guiding Principles and their implementation in specific contexts, countries and industrial sectors, or in relation to specific groups. The Working Group has also recognized the need for convergence, avoiding duplication where possible, and maintaining the integrity of the Guiding Principles in such efforts. The Working Group will engage in a limited number of these initiatives and provide guidance on interpretation and feedback on specific tools, to the extent that constraints on capacity allow, but it cannot engage in all initiatives.

62. At its second session, the Working Group announced[58] that in order to promote convergence and integrity in the interpretation of the Guiding Principles, it would issue clarification on interpretation of the Guiding Principles, as appropriate, and would also establish a set of simple criteria that will facilitate ensuring that guidance is aligned with, but does not undermine, the Guiding Principles. The purpose is to further reinforce convergence on the Guiding Principles, so as to ensure that they remain the authoritative point of reference for those who seek to provide specific implementation tools for practitioners. For example, the criteria will address the need for guidance to be elaborated on the basis of multi-stakeholder engagement and dialogue. Implementation and guideline tools meant for widespread domestic or international use that have not been the subject of meaningful consultation with other stakeholder groups may lack legitimacy, and may thus be ineffective in managing business-related impacts and risks. Further, they may contradict the transparency and participation norms advanced by the Guiding Principles. The Working Group cautions that tools developed by States, business and civil society without rigour and consideration for, and alignment to, the Guiding Principles may be self-defeating if they suggest or offer alternative, weaker processes or standards which could undermine the Guiding Principles and other relevant international human rights instruments.

63. The criteria will be aimed at those who are developing tools as well as other stakeholders, with a view to assessing the degree of alignment of a particular tool with the Guiding Principles and encouraging its broad legitimacy among all stakeholder groups. The Working Group will issue a draft version of these criteria as a subject for consultations in the last trimester of 2012.

7. Capacity-building

64. The Working Group recognizes and welcomes the efforts being undertaken to build capacity to support the implementation of the Guiding Principles by different actors across a range of contexts. Such efforts include conferences, workshops,

[56] See http://www.fidh.org/Updated-version-Corporate.

[57] See http://accrafrica.org/.

[58] See A/HRC/WG.12/2/1, para. 7.

"webinars", information and guidance materials, and pilot projects aimed at Government officials, business representatives and civil society organizations, with participation, at times, of the Working Group. The Working Group also welcomes the call from the Secretary-General[59] for the United Nations system as a whole to support capacity-building efforts of all relevant actors as well as United Nations staff, and welcomes recent efforts by the Food and Agriculture Organization of the United Nations (FAO), UNICEF and the Global Compact in this regard. It further welcomes and supports the suggestion by the Secretary-General to examine the feasibility of establishing a global multi-stakeholder fund on business and human rights to meet the very significant need to increase the capacity of stakeholders to implement the Guiding Principles.

8. Addressing protection and remedy gaps

65. The Working Group welcomes the information received from stakeholders, including national human rights institutions, civil society organizations, human rights defenders and representatives of communities, with regard to alleged violations of human rights linked to business activities and related protection and remedy gaps. The information received indicates that previous trends observed by the former Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises[60] continue to hold. There is evidence of continued and significant gaps in the access of individuals and communities to protection by States from human rights violations linked to business enterprises and of limited access to effective remedies when such violations occur. The Working Group has received information pertaining to impacts from business enterprises in all regions, relating to alleged violations of the full range of human rights and, particularly, to groups at heightened risk of vulnerability, discrimination or marginalization. Alleged violations relate to the right to life, to self-determination and to liberty and security, the right not to be subjected to slavery or forced labour, freedom of association, assembly and expression, protection for the child, non-discrimination, health, food, adequate housing, education, and just conditions of work and the right to join trade unions, as well as rights in associated International Labour Organization (ILO) core Conventions, and the rights of minorities.

66. The Guiding Principles explicitly call for States to meet their international human rights obligations, under the State duty to protect and ensure access to remedy through appropriate policy, legislative, regulatory and adjudicative measures. The Working Group has previously emphasized that this includes the consideration of options for bridging protection and remedy gaps in relation to corporate human rights abuses. Areas covered by the Guiding Principles are already the subject of legal standards in some jurisdictions, and future implementation efforts may highlight specific gaps or challenges where an appropriate response would include additional regulatory measures. The Working Group will gather evidence in this regard through the implementation of its various activities, and information received from stakeholders, prior to making any recommendations linked to gaps. The Working Group participated in a multi-stakeholder discussion organized by the International Commission of Jurists on this issue[61] during the

[59] See A/HRC/21/21.

[60] See A/HRC/8/5/Add.2.

[61] See http://documents.icj.org/Parallel-event-on-Business-and-HR(invitation-flyer)rev.pdf.

twentieth session of the Human Rights Council (21 June 2012), and is further elaborating specific projects on enhancing access to remedies.[62]

IV. Working Group projects

67. Based on consultations with all stakeholders since 2011, the Working Group is developing a series of proposals for specific activities and projects, in line with the strategy presented in its report to the Human Rights Council. These proposals are subject to further elaboration prior to implementation and based on availability of sufficient resources. They aim to provide leadership and/or complement other efforts of strategic partners or multipliers, on issues and challenges that the Working Group has identified as priorities in its efforts to support the effective dissemination and implementation of the Guiding Principles. These projects aim to:

(a) Support Governments in the elaboration and implementation of national plans of action designed to implement the State duty to protect human rights, in relation to business activities and their impacts. The project aims to explore, on the basis of existing experiences: the issue of cross-governmental coordination mechanisms; processes for elaborating a comprehensive Government strategy for implementation of the Guiding Principles; State guidance to national stakeholders and business enterprises on implementation; State action to ensure effective remedies; State policy with regard to State-owned enterprises and State investment and financing mechanisms; and State efforts to disseminate the Guiding Principles among all stakeholder groups. The project will undertake regional consultations, pilot national mapping exercises, capacity need assessments, capacity-building activities, and the development of a few pilot national plans of action, while identifying challenges and lessons learned in the process which can be drawn upon and shared in other context;

(b) Raise awareness of the Guiding Principles and promote their implementation in the context of the activities of extractive industry enterprises, particularly with regard to access to effective remedies. The project will examine the application of free, prior and informed consent of indigenous peoples, fair compensation measures, international arbitration, grievance procedures and national legislation. The project will be based on research into existing practices, policies and legislation; identify effective experiences as well as gaps; establish recommendations and produce guidance for stakeholders on how to effectively apply the Guiding Principles in this context; effect capacity-building of stakeholders in the application of these recommendations, including in respect of changes in policies, practices and legislation; and advocate with relevant global governance frameworks for the incorporation of the guidance within their relevant governance structures and grievance mechanisms;

(c) Promote convergence in the implementation and interpretation of the Guiding Principles with regard to access to effective remedy by developing further guidance on the elements of effective remedy, facilitated by corporations and States, including the integration of preventive measures into corporate management systems and human rights due diligence; mapping and documenting trends among key grievance mechanisms; and facilitating dialogue and knowledge exchange

[62] See sect. IV of this report.

among grievance mechanisms, for example OECD national contact points, complaints mechanisms of international public finance institutions, and State-level non-judicial and judicial mechanisms, as well as corporate operational-level grievance mechanisms;

(d) Identify strategic opportunities to further embed the Guiding Principles into global governance frameworks. The project aims to map relevant State-based frameworks, multi-stakeholder initiatives and transnational private regulation bodies/initiatives, including within the international financial sector and the international trade regime; establish collaboration and synergies; and promote the integration, dissemination and implementation of the Guiding Principles through the respective frameworks;

(e) Support implementation of the Guiding Principles by fostering peer discussion and learning among States and business enterprises on experiences. This project will discuss a range of possible implementation approaches drawn from existing practices, research recommendations, and learning from efforts in related areas such as bribery/corruption, health and safety, and environment and sustainability. The focus will be at the level of practitioners, with the direct participation of State and business employees responsible for the implementation of aspects of the Guiding Principles in their respective organizations. The execution and output of the project will be arranged in role-playing scenarios, involving a fictional State and company, and learning laboratories for testing and discussing various approaches. A project website will list the implementation practices that have been collectively selected by participants, along with the pros and cons of the different approaches discussed and considered in the learning laboratories.

V. Forum on Business and Human Rights

68. The Forum on Business and Human Rights provides a unique opportunity for all stakeholders involved in the dissemination and implementation of the Guiding Principles to engage in dialogue centred around existing efforts, and identify gaps that can be addressed through collective and concerted efforts.

69. The consultation held in May 2012 highlighted the high level of expectations from different stakeholders with regard to the Forum. Based on the consultation and the submissions received, the Working Group is developing the programme of work for the Forum on Business and Human Rights, which will be held in Geneva on 4 and 5 December 2012. The programme will focus on the experience of stakeholders, one year after the endorsement of the Guiding Principles; challenges in implementation in specific areas of application of the Guiding Principles; and identifying opportunities and priorities for action by all stakeholders in the field of business and human rights in the coming year.

70. The Forum will aim to foster genuine exchange among stakeholders and collective learning, with a focus on identifying opportunities for dissemination and implementation in all regions. Discussions at the Forum should contribute to the identification of solutions to challenges in this regard, including with regard to effective remedies for affected individuals and communities.

71. The Working Group calls for broad and balanced participation of stakeholders in the Forum, including of States, business, civil society, affected individuals and

groups, and other key stakeholders in the field of business and human rights. The Working Group will work closely with other actors in the business and human rights field to maximize synergies and to ensure that the Forum outcomes build on and contribute to the effective implementation of the Guiding Principles and the broader business and human rights agenda at the global, regional and national levels.

72. Further information, including on how to register will be provided on the web page of the Forum by the end of August 2012.[63] A preliminary set of documents for the Forum, including a draft agenda, will be posted on the web page by the end of September 2012.

73. The success of the Forum will depend heavily on the constructive and active contributions of all stakeholders with respect to sharing practices, lessons learned and reflections on how to cooperate to overcome challenges to the effective implementation of the Guiding Principles. It will further depend on the willingness of all stakeholders to engage in meaningful dialogue at the national and regional levels prior to and after the Forum, so as to ensure both that priorities identified at the Forum are based on realities drawn from different countries and regions, and that multi-stakeholder initiatives and implementation efforts can be carried out afterwards.

VI. Recommendations

74. **The United Nations should examine the feasibility of establishing a global multi-stakeholder fund on business and human rights to support building the capacity of stakeholders to implement the Guiding Principles. Resources are urgently needed to address the gap in the capacity of stakeholders in all regions to implement the Guiding Principles.**

75. **The United Nations should consider supporting the establishment of a global electronic platform for stakeholders through which they may share information about dissemination and implementation efforts, so as to facilitate the identification and sharing of lessons learned and good practices.**

76. **The United Nations system should follow the recommendations of the Secretary-General[64] on how the United Nations system as a whole can contribute to advancing the business and human rights agenda and disseminating and implementing the Guiding Principles. This includes embedding the Guiding Principles across the activities of United Nations system entities and building capacity both inside the United Nations and among relevant external actors, including States, business enterprises and civil society organizations. Finally, the United Nations should take the Guiding Principles into account in all relevant internal and external policies and procedures.**

77. **International intergovernmental as well as private standard-setting entities and governance frameworks that issue policies, guidance or regulations for States and business enterprises in the field of business and human rights should engage and cooperate with the Working Group in identifying synergies**

[63] See http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx.
[64] See A/HRC/21/21.

and ensuring coherence and alignment with the minimum standards contained in the Guiding Principles.

78. **Intergovernmental organizations, including regional bodies, should include business and human rights and the implementation of the Guiding Principles in the agenda of their institutions, and support dissemination, capacity-building and implementation efforts at the regional level, with all stakeholders. This is particularly necessary in regions where there is less awareness and fewer national initiatives for disseminating and implementing the Guiding Principles. Regional bodies should further engage in cross-regional dialogue so as to ensure the exchange of experience and coherence in efforts and guidance between regions.**

79. **States and business enterprises should scale up and sustain efforts to implement the Guiding Principles, including by dedicating sufficient resources and taking concrete measures for their implementation, and by establishing measurable and transparent indicators to assess their effective implementation. In doing so, they should consider actions that other States have successfully taken when beginning implementation, including efforts to disseminate the Guiding Principles, raise internal awareness, build capacity of national stakeholders, map and coordinate required actions across Government departments so as to ensure policy coherence, and engage in multi-stakeholder consultations for the purpose of discussing and agreeing on steps to implement the Guiding Principles at a national level.**

80. **National human rights institutions should continue and enhance their current efforts to support the dissemination and implementation of the Guiding Principles, including through capacity-building of relevant national actors, promoting multi-stakeholder dialogue and initiatives at the national level, and monitoring the implementation of the Guiding Principles at the national level, and in so doing, help to identify gaps and challenges in this regard.**

81. **In implementing the Guiding Principles, States and business enterprises should take particular care to address the heightened risk of vulnerability, discrimination and marginalization of certain groups of rights-holders, so as to ensure that business enterprises identify and address potential and actual adverse human rights impacts on such groups, through exercising human rights due diligence, and provide effective remedy when negative impacts occur. These groups include children, older persons, indigenous women and men, workers with precarious employment conditions, migrant workers, journalists, human rights defenders, community activists and leaders who protest against or raise allegations concerning the impact of business activities, and marginalized rural and urban communities, as well as minorities that are subject to discrimination and marginalization.**

82. **Business organizations in sectors that have not yet engaged with business and human rights issues should deploy efforts to identify sector-specific human rights issues and initiate steps to raise awareness, build capacity and implement the Guiding Principles within each sector, in dialogue with other stakeholders.**

83. **States, business organizations and transnational corporations should engage in enhanced efforts to raise awareness of the Guiding Principles, raise**

capacity and promote efforts to implement the Guiding Principles by small and medium-sized enterprises.

84. **States and business enterprises should ensure that access to effective remedy is integrated within their efforts to meet the State duty to protect, and the corporate responsibility to respect, human rights, and engage in efforts to enhance access to effective judicial and non-judicial remedies by the Working Group and other stakeholders.**

85. **Stakeholders that develop tools and guidance on implementation of the Guiding Principles should follow the Working Group's forthcoming criteria on how to ensure that tools and guidance are aligned with the Guiding Principles and follow a multi-stakeholder process. All stakeholders should refrain from unilateral interpretation of the Guiding Principles and from the development of guidance and tools without meaningful consultations with other stakeholders. Guidance and tools should not undermine the integrity of the Guiding Principles or encompass standards that are weaker than the Guiding Principles or international human rights standards. Initiatives to develop tools and guidance should coordinate with similar efforts by other stakeholders, so as to prevent duplication of efforts, ensure coherence and avert divergences in guidance. Guidance developed for one geographical context or sector should take into account relevant guidance and lessons learned from other contexts and sectors.**

86. **States, business enterprises, civil society organizations and other stakeholders should, prior to the Forum on Business and Human Rights, engage in dialogue on national implementation of the Guiding Principles, so as to identify national opportunities and challenges to the effective implementation of the Guiding Principles; and should, after the Forum, to ensure that priorities for global action identified at the Forum are acted upon in the national context. Other initiatives on business and human rights should engage and coordinate with the Forum on Business and Human Rights to ensure greater synergies.**